

**REMARKS**

Claims 1-10 and 13-15 are pending in the application. The examiner had objected to the drawings indicating that a "prior art" designation was needed on FIGS. 2 and 3. Further, the Examiner had objected to FIG. 13, indicating that legends were required for understanding. Applicants have made the suggested changes and submitted replacement sheets for FIGS. 2, 3, and 13. Support may be found in the specification, particularly page 14, line 20 through page 15, line 15. No new matter has been added. Applicants respectfully request that the objections be withdrawn.

The examiner had objected to claims 1 and 13-14 for failure to meet the requirements of 37 CFR 1.75(i). These claims have been amended to include indentations. Applicants respectfully request that the objection be withdrawn. Claim 15 has been amended to correct a typographical error. Claims 1, and 13-15 have been amended to clarify the invention. Support is provided by FIG. 13 and the accompanying description.

The examiner indicated that the previous requirement for restriction has been withdrawn in view of MPEP 806.05(c). Applicants thank the examiner for his reconsideration of this matter.

**Claim Rejections Under 35 U.S.C. §103**

The examiner had rejected claims 1-2, 5-10, and 13-15 under 35 U.S.C. 103(a) as being unpatentable over Higashi (5,386,082) in view of Searle (3,970,787). Further, the examiner had rejected claims 3-4 under 35 U.S.C. 103(a), as being unpatentable over Higashi (5,386,082) in view of Searle (3,970,787) and further in view of Maher (6,078,669). For at least the reasons set forth below, applicants disagree.

Higashi describes a method for determining the effects caused by a human head on interruption, reflection, using an acoustic sensor placed in a dummy's head (abstract). The results are used in an acoustic image localization system to derive a delay length, FIR factor, and amplification factor. (FIGS. 4-6). To the extent that low-pass filter cutoff

frequencies are mentioned, they are used to simulate directions of a sound source relative to a person (col. 5, lines 25-33) and hence are part of the creation of the system deemed by the examiner to be analogous to an HRTF, not to augment the HRTF filtering function as required by claim 1.

Searle generally discloses an auditorium simulator that considers ITD, head shadow effect, and pinna effect. It also discusses frequency selective absorption by the reflecting surface. To measure the effects due to head shadow and pinna effects, microphones are placed in the ear canal. The signals are measured at various angles to represent a transform that represents the speaker signal as modified by at least head shadow and pinna effects. Thus, in the cited section, Searle refers to a recording technique and apparatus for deriving the transfer function of a conventional HRTF. There is no discussion or suggestion of augmenting the HRTF using the HF cut filters as recited in claim 1. Instead, Searle describes and illustrates in FIG. 2 an apparatus configured to recreate the effect of head shadow and pinna effect in forming the filters, namely a head shadow filter and a pinna filter (col. 4, lines 36-47). These distinctions are important because the apparatus as disclosed in Searle or Higashi provide no means for addressing imperfect crosstalk cancellation at high frequencies as described on page 9 of the specification.

In view of the foregoing discussion, the rejection of claim 1 over the art of record is believed overcome. Claims 2-10 depend from claim 1 and are submitted to be allowable for at least their dependencies from an allowable claim. Moreover, the dependent claims recite additional limitations, and are therefore allowable for these reasons as well. Further discussion of these distinctions is believed unnecessary in light of the distinctions discussed above relative to the independent claims.

Claims 13-15 are submitted to be allowable for at least the same reasons as discussed above with respect to claim 1.

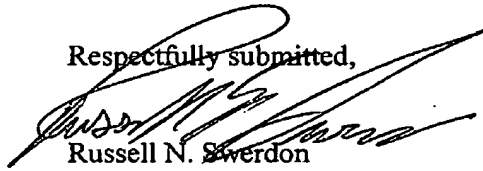
The arguments presented in the remarks section of this amendment are believed to provide an adequate response for asserting the allowability of all of the presently pending claims in this present application. To the extent that the applicant has not addressed some

issues raised by the Examiner in the Office Action, applicant believes that such unaddressed issues do not require a response at the present time since allowability of the claims has been asserted by the applicant based upon other grounds. However, applicant's lack of response to any of the issues raised by the Examiner does not constitute an admission by the applicant as to the accuracy of the Examiner's assertions with respect to such issues. Applicant specifically reserves the right to respond to such issues at a later time during the prosecution of the present application, should such a need arise.

### **Conclusion**

Accordingly, it is submitted that all issues in the Office Action have been addressed, and withdrawal of the rejections is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Applicants' undersigned attorney at the telephone number set out below.

Respectfully submitted,



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